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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/771,394

01/26/2001

Bradley M. Wilkinson

P-3914F1P1P2P1RI

6920

26253 7590 12/23/2008
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EXAMINER

SONNETT, KATHLEEN C

ART UNIT

PAPER NUMBER

3731

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Art Unit: 3731

DETAILED ACTION

1. The reissue oath/declaration filed with this application (filed 1/26/2001) is defective because it fails to identify at least one error which is relied upon to support the reissue application. See 37 CFR 1.175(a)(1) and MPEP § 1414. In particular, the declaration must include at least one **specific** error in the original claims as well as specifically pointing out at least one original claim in which this error occurs. The following is a suggested format for the error statement: Original independent claims 1, 26, and 28 are too narrow because they all include a means to substantially prevent movement of the shield with respect to the blade holder unless the cartridge is mounted on the handle.

2. Claims 1-28, 41-44, 51-53, and 67-77 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

3. The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Response to Arguments

4. Applicant's arguments filed 11/13/2008 have been fully considered but they are not persuasive. Applicant argues that the oath is not defective. However, applicant's oath/declaration filed on 1/26/2001 describes the correction as opposed to the original problem. In other words, applicant must identify the error in a specific claim, not the corrective measure. Applicant is directed to MPEP § 1414 (section II, part C) which indicates that the oath/declaration must specifically identify an error. It is not sufficient to indicate what the new claims have or do not have because applicant has not pointed out the error in the original claims. Applicant must also point to at least one specific claim in identifying the error. Applicant correctly pointed out that a specific action taken to rectify the error is not required and therefore this statement has been removed from the suggested format above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHLEEN SONNETT whose telephone number is (571)272-5576. The examiner can normally be reached on 7:30-5:00, M-F, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Manahan can be reached on 571-272-4713. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCS 12/18/2008

/Todd E Manahan/
Supervisory Patent Examiner, Art Unit 3731